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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,380	04/04/2001	Carl-Eric Ohlson	1166/61926-A	7391
23432	7590	09/21/2004	EXAMINER	
COOPER & DUNHAM, LLP 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			HO, ALLEN C	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/827,380

Applicant(s)

OHLSON, CARL-ERIC

Examiner

Allen C. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 08/776,392.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the x-ray beam source (generic, not an x-ray tube) movable in x, y, z directions and rotatable about a horizontal axis relative to the patient table as claimed in claim 22 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

2. The amendment filed 06 July 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The original disclosure disclosed a filmless system in which images are produced and stored electronically (column 8, lines 19-27). There is no support for a solid state detecting portion formed by plural solid state detecting elements as claimed in claims 20, 23, 25, and 27.

The original disclosure disclosed an x-ray generating portion which is movable in x, y, z directions and rotatable about a horizontal axis (column 1, lines 18-20). There is no support for an x-ray generating portion comprises at least an x-ray generating portion for an over-table tube capable of imaging in a style of over-table tube as claimed in claims 24 and 28.

Applicant is required to cancel the new matter in the reply to this Office Action.

*Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 20, 23, 24, 25, 27, and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled

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in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 20, 23, 25, and 27 recite a solid state detecting portion formed by plural solid state detecting elements. The original specification disclosed a filmless system in which images are produced and stored electronically (column 8, lines 19-27); there is no support for a solid state detecting portion formed by plural solid state detecting elements.

Claims 24 and 28 recite the x-ray generating portion comprises at least an x-ray generating portion for an over-table tube capable of imaging in a style of over-table tube. The original specification disclosed an x-ray source which can be moved in the x, y, z directions and which is rotatable about a horizontal axis (column 1, lines 18-20); there is no support for additional x-ray generating portions.

### ***Reissue Applications***

5. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

Specifically, applicant has relied upon an error stated in the oath/declaration which is the same error relied upon as the basis to support the parent reissue application. Therefore, the error cannot serve as a basis to support the instant reissue application as this error has been corrected by the parent reissue application. A different error must be identified to support the instant reissue application.

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6. Claims 20-28 are rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the oath/declaration is set forth in the discussion above in this Office action.

7. Claims 20, 23, 24, 25, 27, and 28 are rejected under 35 U.S.C. 251 as being based upon new matter added to the patent for which reissue is sought. The added material which is not supported by the prior patent is as follows:

Claims 20, 23, 25, and 27 recite a solid state detecting portion formed by plural solid state detecting elements. The original specification disclosed a filmless system in which images are produced and stored electronically (column 8, lines 19-27); there is no support for a solid state detecting portion formed by plural solid state detecting elements.

Claims 24 and 28 recite the x-ray generating portion comprises at least an x-ray generating portion for an over-table tube capable of imaging in a style of over-table tube. The original specification disclosed an x-ray source which can be moved in the x, y, z directions and which is rotatable about a horizontal axis (column 1, lines 18-20); there is no support for additional x-ray generating portions.

### ***Response to Arguments***

8. Applicant's arguments filed 06 July 2004 have been fully considered but they are not persuasive.

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The examiner notes that the error cited in the supplemental reissue declaration is the same error that has already been corrected in the parent reissue application 09/590,633. The applicant needs to point out a new error as a basis for filing a new reissue application.

9. Applicant's arguments filed 06 July 2004 with respect to claims 20, 21, 23, and 24 have been fully considered and are persuasive. The rejection of claims 20, 21, 23, and 24 under 35 U.S.C. § 112 first paragraph has been withdrawn.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- (1) Betz *et al.* (U. S. Patent No. 6,435,715 B1) disclosed a radiography device comprising a holding mechanism independent from the x-ray generating portion.
- (2) Negrelli (U. S. Patent No. 6,200,024 B1) disclosed a virtual C-arm.
- (3) Bernstein *et al.* (U. S. Patent No. 4,024,403) disclosed an x-ray examination apparatus comprising a holding mechanism independent from the x-ray generating portion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (571) 272-2491. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached at (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen C. Ho  
Patent Examiner  
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